

Directorate of Elementary Education Haryana, ShikshaSadan, Sector 5,  
Panchkula

Order No. 17/10-2024 ESHM (1)

Dated Panchkula the, 23/04/2024

Whereas Shiv Parkash Sanskrit Teacher approached the Hon'ble Punjab & Haryana High Court by way of filing a Civil Writ Petition i.e. CWP No. 3310 of 2024 Shiv Parkash V/s State of Haryana & others praying therein for issuance of a writ in the nature of mandamus directing the respondent Department to promote the petitioner to the post of the Middle Head Master with effect from 01.12.2016, i.e., the date when his juniors were so promoted, and to decide the representation dated 14.09.2023, Annexure P- 4 submitted by the petitioner to the respondent department.

The petition came up for hearing before the Hon'ble High Court on 15.02.2024 and on that day Hon'ble High Court was pleased to dispose of with following direction:-

"1. This petition has been filed, inter alia, seeking a writ of mandamus directing the respondent Department to promote the petitioner to the post of the Middle Head Master with effect from 01.12.2016, i.e., the date when his juniors were so promoted, and to decide the representation dated 14.09.2023, Annexure P- 4.

2. This petition has been filed, inter alia, seeking a writ of mandamus directing the respondent Department to promote the petitioner to the post of the Middle Head Master with effect from 01.12.2016, i.e., the date when his juniors were so promoted, and to decide the representation dated 14.09.2023, Annexure P- 4.

3. Notice of motion.

4. Mr. Sanjeev Kaushik, Addl. AG, Haryana, appearing on advance notice, submits that the pending representation shall be decided by respondent No.2 expeditiously.

5. In view thereof, without going into merits of the case, the petition is disposed of with a direction to respondent No.2/Director, Secondary Education, Haryana, to consider and decide the pending representation dated 14.09.2023, by passing a speaking order in accordance with law, within a period of six months from the date of receiving a certified copy of this order.

6. In case the order is not passed within the stipulated period, the officer concerned shall pay costs of ₹25,000 to the petitioner."

In the compliance of above mentioned direction, the claim of claimant raised vide representation dated 14.09.2023 (Annexure P-4) has been examined at length, it is found that the claimant is working as Sanskrit Teacher. The details of academic record and seniority of the claimant is as under:-

Sr. No	Seniority No.	Detail of Petitioner	Qualification	Date of Regular Appointment as Sanskrit Teacher
1.	1999	Shiv Parkash (ID No. 058887), Sanskrit Teacher, GSSS Deroli Ahir Distt. Narnaul/Mahendergarh.	B.A.- 57% B.Ed - 52% 1994	21.03.2003

In the reference of Para no. 2 of the representation dated 14.09.2023, it is stated that the claimant is working as Sanskrit Teacher with seniority as mentioned above whereas juniors as per his respective seniority in seniority list dated 15.01.2019 were promoted to the post of the Middle Head Master vide order dated 01.12.2016. It is worthwhile to mention here that the juniors were promoted in the compliance of direction issued by the Hon'ble High Court and separately no promotion cases were invited and considered for promotion to the post of ESHM from Sanskrit Teacher till today. It is relevant to state here that a show cause notice was issued to junior ESHMs promoted from post of Sanskrit Teacher vide order No. 17/4-2022 ESHM(1) Dated 03.03.2023/09.03.2023 by this Department in compliance of Hon'ble High Court orders dated 21.11.2022 in CWP No. 2200 of 2022 namely Shakti Dhar Sharma and others Vs. State of Haryana and others alongwith other similar matters which came up for adjudication before the Hon'ble High Court on 21.11.2022 and same was disposed of with following order:-

*"By this common order, the writ petitions, details of which have been given above, are being disposed of as all the writ petitions involve the same question of law on similar facts.*

*Learned counsel for the petitioners very fairly submits that though a show cause notice has been issued with regard to the reversion from the post of Elementary School Headmaster to that of Sanskrit Teacher but as of now no action has been taken.*

*Learned counsel for the petitioners submits that only apprehension of the petitioners is that the respondents might not appreciate all the reasons which the petitioners have so as to justify their promotion to the post of Elementary School Headmaster including the fact, which is being raised here that there are certain seniors, who are ineligible to hold the post of Elementary School Headmaster.*

*Learned counsel for the respondents submits that the said arguments only bring out apprehension and not the fact. Whatever justification the petitioners will raise qua the show cause notice, the same will be considered in accordance with law coupled with the Rules governing the service and then appropriate order on the show cause notice issued to the petitioners, will be passed.*

*Learned counsel for the petitioners submits that keeping in view the said statement of the counsel for the respondents, the petition be disposed of as having been not pressed any further with liberty to the petitioners to file appropriate reply to the show cause notice, which has been issued to the petitioners proposing the reversion to the post of Sanskrit Teacher.*

*Ordered accordingly."*

In compliance of above said orders of the Hon'ble High Court, the department issued Show Cause Notices vide order No. 17/4-2022 ESHM (1) Dated 03.03.2023/09.03.2023 to 135 Elementary School Headmasters promoted from Sanskrit Teachers including the juniors of the claimant, who are not falling in the seniority list dated 15.01.2019 as per sanctioned posts. Some of ESHMs promoted from post of Sanskrit Teacher challenged the said Show Cause Notice alongwith the amendment which was issued recently vide official notification dated 15.03.2022 in Service Rules, 2012 w.r.t. promotion to the post of ESHM in CWP No. 5886 of 2023 namely Sartaj Singh Dhanda and others Vs. State of Haryana and others. Thereafter, an another Civil Writ Petition No. 6366 of 2023 titled as Rattan Singh and others Vs. State of Haryana and others has been filed and the Hon'ble Court was pleased to stay the operation and implementation of the

corrigendum issued vide order No. 15/12-2019 HRM-III/ESHM (1) dated 01.07.2022 and also stay of all further action pursuant to the Show Cause Notice for reversion.

Keeping in view the position explained above, the claim of claimant will be considered at the time when the promotion will be made on the post of Elementary School Head Master after the vacation of stay or final decision of the Hon'ble Court in aforementioned writ petitions with respect to Show Cause Notices dated 09.03.2023 to concerned ESHM's. Hence, at present the claim of the claimant is hereby kept pending till the vacation of stay by the Hon'ble High Court in aforesaid mentioned writ petitions.

Order accordingly.

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(Kamal Preet Kaur),  
Additional Director, Administration  
O/o Director General Elementary Education,  
Haryana, Panchkula.

Regd.

To

Shiv Parkash (ID No. 058887), Sanskrit Teacher, aged 46 years, S/o. Sh. Devisahai  
R/o H.No. 127-B, Sector-1, Part-2 Huda Narnaul/Mahendergarh, Posted at GSSS Deroli  
Ahir Distt. Narnaul/Mahendergarh

Endst. No.: Even

Dated Panchkula the, 24.04.2024

A copy of this order is forwarded to following for information and necessary action:

1. District Elementary Education Officer, Mahendergarh
2. Principal, GSSS Deroli Ahir Distt. Narnaul/Mahendergarh.
3. Mr. Rohit Mittal, Advocate, Bar Room No. 2, New Bar Complex Punjab and Haryana High Court, Chandigarh.
4. IT Cell. To upload the Order on website.

*Mahesh 24/4/24*

Dy. Superintendent, ESHM  
for Director General Elementary Education,  
Haryana, Panchkula

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